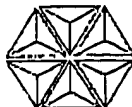


TELECOPIER TRANSMISSION

BRISTOL-MYERS SQUIBB COMPANY
Legal Division
P.O. Box 5100
5 Research Parkway
Wallingford, CT 06492-7660

IFW
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AUG 31 2006

OFFICE OF PETITIONS

TO: USPTO Commissioner for Patents (Alexandria, VA)
TELECOPIER NO: 9-1-571-273-0025
FROM: Jennifer C. Chapman
TELECOPIER NO: 203-677-6900
TOTAL NUMBER OF PAGES INCLUDING THIS ONE: 8
DATE: 8/31/06

IN RE APPLICATION OF: Wang, Tao et al

EXAMINER: Yong Liang Chu

APPLICATION NO: 10/762,108

ART UNIT: 1626

FILED: January 21, 2004

FOR: Indole, Azaindole and Related Heterocyclic 4-Alkenyl Piperidine Amides

DOCKET: CT2731A CIP1

Sir:

Enclosed are the following documents:

- (1) Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) dated August 31, 2006
- (2) Fee Letter for Unintentional Abandonment dated August 31, 2006 (in duplicate)
- (3) Response to Restriction Requirement and Election of Species dated August 31, 2006 to Office Action dated November 15, 2005

Jennifer Chin Chapman
Attorney for Applicants
Reg. No. 47,487
Bristol-Myers Squibb Company
Patent Department
Wallingford, CT
(203) 677-5644

CERTIFICATE OF FACSIMILE TRANSMISSION

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Jennifer Chin Chapman

Type or print name

Signature

August 31, 2006

Date

PTO/SB/64 (08-04)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
CT-2731A OIP1

First named inventor: TAO WANG, ET AL

Application No.: 10762,108

Art Unit: 1625

Filed: 01/21/2004

Examiner: BALL, ROBERT J.

Title: INDOLE, AZAINDOLE AND RELATED HETEROCYCLIC 4-ALKENYL PIPERIDINE AMIDES

FAX RECEIVED**AUG 31 2006****OFFICE OF PETITIONS**Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-0025NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice of
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in
the form of Reply (identify type of reply);

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-04)

Approved for use through 07/31/2008. OMB 0951-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

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AUG 31 2006

OFFICE OF PETITIONS

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Jennifer C. Chapman
Signature

August 31, 2006
Date

Jennifer C. Chapman Ph.D.

Typed or printed name

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

47,487

Registration Number, if applicable

203-677-5644

Telephone Number

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-0025

August 31, 2006
Date

Jennifer C. Chapman
Signature

Jennifer C. Chapman

Typed or printed name of person signing certificate

CT2731A-CIP1

CERTIFICATE OF FACSIMILE TRANSMISSION

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Jennifer C. Chapman
Type or print name

Jennifer C. Chapman
Signature

August 31, 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**FAX RECEIVED**

IN RE APPLICATION OF
WANG, TAO ET AL.
APPLICATION NO: **10/762,108**
FILED: **01/21/2004**
FOR: **INDOLE, AZAINDOLE AND RELATED HETEROCYCLIC 4-ALKENYL PIPERIDINE AMIDES**

ART UNIT: **1625**
EXAMINER: **BALL, ROBERT J.**

AUG 31 2006**OFFICE OF PETITIONS**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEE LETTER FOR UNINTENTIONAL ABANDONMENT

Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$1500 for payment of the fee pursuant to 37 CFR §1.17(m) for the Revival of Patent Application Unintentionally Abandoned. Under 37 CFR 1.137 (b).

An additional copy of this paper is here enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

Date: August 31, 2006

Jennifer C. Chapman
Jennifer C. Chapman, Ph.D.

Attorney for Applicant
Reg. No. 47,487
Phone: 203-677-5644

CT2731A-CIP1

CERTIFICATE OF FACSIMILE TRANSMISSION

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Jennifer C. Chapman
Type or print name

Jennifer C. Chapman
Signature

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Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

Date:

August 31, 2006

Jennifer C. Chapman
Jennifer C. Chapman, Ph.D.

Attorney for Applicant
Reg. No. 47,487
Phone: 203-677-5644

CT2731A-CIP1

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Jennifer C. Chapman
Type or print name

Jennifer C. Chapman
Signature

August 31, 2006
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**FAX RECEIVED**

IN RE APPLICATION OF
WANG, TAO ET AL.
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EXAMINER: **BALL, ROBERT J.**

AUG 31 2006

OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

Sir:

This submission is in response to the Office Action mailed November 15, 2005 ("Office Action"). This application was unintentionally abandoned. A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) is submitted currently herewith along with the required fee.

No additional fee is believed due. However, the Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

CT2731A-CIP1

REMARKS

No amendment has been made. Claims 1-93 are pending. Claims 90-93 are withdrawn from consideration.

CT2731A-CIP1

1. Restriction Requirement

The Office Action requires restriction to one of the following Groups (I-II) under 35 U.S.C.

121:

Group I: Claims 1-89 drawn to compounds and compositions of formula I, classified in classes 546 and 548; and

Group II: Claims 90-93 drawn to methods of treatment, classified in class 514.

In response, Applicants elect Group I.

2. Election of Species

The Office Action also requires an election of a single compound. In response, Applicants elect the compound of Example 2 (see e.g., page 154 and page 259 of the specification).

In view of the foregoing, Applicants submit that the application is now in condition for examination on the merits. Early notification to such actions is earnestly sought. Should any issues in connection with the Office Action remain, the Examiner is invited to telephone the undersigned at (203)677-5644.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
203-677-5644


Jennifer C. Chapman, Ph.D.
Attorney for Applicants
Reg. No. 47,487

Date: August 31, 2006